

**Representative Wayne A. Harper** proposes the following substitute bill:

**VEHICLE AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: Michael E. Noel

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions relating to all-terrain vehicles.

**Highlighted Provisions:**

This bill:

- ▶ provides and amends definitions;
- ▶ amends driver licensing requirements for certain street-legal all-terrain vehicles;
- ▶ specifies restrictions on tires for registering certain vehicles as street-legal all-terrain vehicles;
- ▶ provides that an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour shall operate the vehicle on the extreme right hand side of the roadway and shall equip the vehicle with a reflector or reflective tape;
- ▶ provides that a safety inspection is required each year for a vehicle that is 12 or more years old on January 1, rather than eight or more years old on January 1;
- ▶ provides that a safety inspection is required every two years for each vehicle that is less than 12 years old, rather than less than eight years old;
- ▶ requires that two safety inspection certificates shall be issued for every safety



26 inspection conducted;

27       ▶ provides that a person operating a motor vehicle shall have in the person's  
28 immediate possession a safety inspection certificate or other evidence of compliance  
29 with the safety inspection requirement;

30       ▶ provides that the reasonable labor fee for the safety inspection of a street-legal  
31 all-terrain vehicle may not exceed \$7; and

32       ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34       None

35 **Other Special Clauses:**

36       This bill takes effect on July 1, 2009.

37 **Utah Code Sections Affected:**

38 AMENDS:

39       **41-6a-102**, as last amended by Laws of Utah 2008, Chapter 36

40       **41-6a-1509**, as enacted by Laws of Utah 2008, Chapter 36

41       **41-22-2**, as last amended by Laws of Utah 2008, Chapters 36 and 94

42       **53-8-205**, as last amended by Laws of Utah 2008, Chapters 36 and 210

43       **53-8-206**, as last amended by Laws of Utah 2002, Chapter 143



45 *Be it enacted by the Legislature of the state of Utah:*

46       Section 1. Section **41-6a-102** is amended to read:

47       **41-6a-102. Definitions.**

48       As used in this chapter:

49       (1) "Alley" means a street or highway intended to provide access to the rear or side of  
50 lots or buildings in urban districts and not intended for through vehicular traffic.

51       (2) "All-terrain type I vehicle" has the same meaning as defined in Section 41-22-2.

52       (3) "Authorized emergency vehicle" includes:

53       (a) fire department vehicles;

54       (b) police vehicles;

55       (c) ambulances; and

56       (d) other publicly or privately owned vehicles as designated by the commissioner of the

57 Department of Public Safety.

58 (4) (a) "Bicycle" means every device:

59 (i) propelled by human power;

60 (ii) upon which a person may ride; and

61 (iii) having two tandem wheels.

62 (b) "Bicycle" does not include scooters and similar devices.

63 (5) (a) "Bus" means a motor vehicle:

64 (i) designed for carrying more than 15 passengers and used for the transportation of

65 persons; or

66 (ii) designed and used for the transportation of persons for compensation.

67 (b) "Bus" does not include a taxicab.

68 (6) (a) "Circular intersection" means an intersection that has an island, generally

69 circular in design, located in the center of the intersection where traffic passes to the right of  
70 the island.

71 (b) "Circular intersection" includes:

72 (i) roundabouts;

73 (ii) rotaries; and

74 (iii) traffic circles.

75 (7) "Commissioner" means the commissioner of the Department of Public Safety.

76 (8) "Controlled-access highway" means a highway, street, or roadway:

77 (a) designed primarily for through traffic; and

78 (b) to or from which owners or occupants of abutting lands and other persons have no

79 legal right of access, except at points as determined by the highway authority having

80 jurisdiction over the highway, street, or roadway.

81 (9) "Crosswalk" means:

82 (a) that part of a roadway at an intersection included within the connections of the

83 lateral lines of the sidewalks on opposite sides of the highway measured from:

84 (i) (A) the curbs; or

85 (B) in the absence of curbs, from the edges of the traversable roadway; and

86 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway

87 included within the extension of the lateral lines of the existing sidewalk at right angles to the

88 centerline; or

89 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for  
90 pedestrian crossing by lines or other markings on the surface.

91 (10) "Department" means the Department of Public Safety.

92 (11) "Direct supervision" means oversight at a distance within which:

93 (a) visual contact is maintained; and

94 (b) advice and assistance can be given and received.

95 (12) "Divided highway" means a highway divided into two or more roadways by:

96 (a) an unpaved intervening space;

97 (b) a physical barrier; or

98 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

99 (13) "Electric assisted bicycle" means a moped:

100 (a) with an electric motor with a power output of not more than 1,000 watts; and

101 (b) which is not capable of:

102 (i) propelling the device at a speed of more than 20 miles per hour on level ground; and

103 (ii) increasing the speed of the device when human power is used to propel the device

104 at more than 20 miles per hour.

105 (14) (a) "Electric personal assistive mobility device" means a self-balancing device

106 with:

107 (i) two nontandem wheels in contact with the ground;

108 (ii) a system capable of steering and stopping the unit under typical operating

109 conditions;

110 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

111 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

112 (v) a deck design for a person to stand while operating the device.

113 (b) "Electric personal assistive mobility device" does not include a wheelchair.

114 (15) "Explosives" means any chemical compound or mechanical mixture commonly  
115 used or intended for the purpose of producing an explosion and which contains any oxidizing  
116 and combustive units or other ingredients in proportions, quantities, or packing so that an  
117 ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or  
118 mixture may cause a sudden generation of highly heated gases, and the resultant gaseous

119 pressures are capable of producing destructive effects on contiguous objects or of causing death  
120 or serious bodily injury.

121 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm  
122 implement, for drawing plows, mowing machines, and other implements of husbandry.

123 (17) "Flammable liquid" means a liquid which has a flashpoint of 100 degrees F. or  
124 less, as determined by a tagliabue or equivalent closed-cup test device.

125 (18) "Freeway" means a controlled-access highway that is part of the interstate system  
126 as defined in Section 72-1-102.

127 (19) "Gore area" means the area delineated by two solid white lines that is between a  
128 continuing lane of a through roadway and a lane used to enter or exit the continuing lane  
129 including similar areas between merging or splitting highways.

130 (20) "Gross weight" means the weight of a vehicle without a load plus the weight of  
131 any load on the vehicle.

132 (21) "Highway" means the entire width between property lines of every way or place of  
133 any nature when any part of it is open to the use of the public as a matter of right for vehicular  
134 travel.

135 (22) "Highway authority" has the same meaning as defined in Section 72-1-102.

136 (23) (a) "Intersection" means the area embraced within the prolongation or connection  
137 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or  
138 more highways which join one another.

139 (b) Where a highway includes two roadways 30 feet or more apart:

140 (i) every crossing of each roadway of the divided highway by an intersecting highway  
141 is a separate intersection; and

142 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then  
143 every crossing of two roadways of the highways is a separate intersection.

144 (c) "Intersection" does not include the junction of an alley with a street or highway.

145 (24) "Island" means an area between traffic lanes or at an intersection for control of  
146 vehicle movements or for pedestrian refuge designated by:

147 (a) pavement markings, which may include an area designated by two solid yellow  
148 lines surrounding the perimeter of the area;

149 (b) channelizing devices;

- 150 (c) curbs;
- 151 (d) pavement edges; or
- 152 (e) other devices.
- 153 (25) "Law enforcement agency" has the same meaning as defined in Section 53-1-102.
- 154 (26) "Limited access highway" means a highway:
- 155 (a) that is designated specifically for through traffic; and
- 156 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
- 157 persons have any right or easement, or have only a limited right or easement of access, light,
- 158 air, or view.
- 159 (27) "Local highway authority" means the legislative, executive, or governing body of
- 160 a county, municipal, or other local board or body having authority to enact laws relating to
- 161 traffic under the constitution and laws of the state.
- 162 (28) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
- 163 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 164 (ii) has a capacity of not more than four passengers, including the driver.
- 165 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 166 (29) "Metal tire" means a tire, the surface of which in contact with the highway is
- 167 wholly or partly of metal or other hard nonresilient material.
- 168 (30) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or
- 169 saddle that is less than 24 inches from the ground as measured on a level surface with properly
- 170 inflated tires.
- 171 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 172 (c) "Mini-motorcycle" does not include a motorcycle that is:
- 173 (i) designed for off-highway use; and
- 174 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 175 (31) "Mobile home" means:
- 176 (a) a trailer or semitrailer which is:
- 177 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
- 178 place either permanently or temporarily; and
- 179 (ii) equipped for use as a conveyance on streets and highways; or
- 180 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

181 constructed for use as a mobile home, as defined in Subsection (31)(a), but which is instead  
182 used permanently or temporarily for:

- 183 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 184 (ii) any other commercial purpose except the transportation of property for hire or the  
185 transportation of property for distribution by a private carrier.

186 (32) (a) "Moped" means a motor-driven cycle having:

- 187 (i) pedals to permit propulsion by human power; and
- 188 (ii) a motor which:
  - 189 (A) produces not more than two brake horsepower; and
  - 190 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on  
191 level ground.

192 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic  
193 centimeters and the moped shall have a power drive system that functions directly or  
194 automatically without clutching or shifting by the operator after the drive system is engaged.

195 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

196 (33) "Motor assisted scooter" means a self-propelled device with:

- 197 (a) at least two wheels in contact with the ground;
- 198 (b) a braking system capable of stopping the unit under typical operating conditions;
- 199 (c) a gas or electric motor not exceeding 40 cubic centimeters;
- 200 (d) either:
  - 201 (i) a deck design for a person to stand while operating the device; or
  - 202 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the  
203 device; and
- 204 (e) a design for the ability to be propelled by human power alone.

205 (34) (a) "Motor vehicle" means a vehicle which is self-propelled and every vehicle  
206 which is propelled by electric power obtained from overhead trolley wires, but not operated  
207 upon rails.

208 (b) "Motor vehicle" does not include vehicles moved solely by human power,  
209 motorized wheelchairs, or an electric personal assistive mobility device.

210 (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle  
211 for the use of the rider and designed to travel with not more than three wheels in contact with

212 the ground.

213 (36) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, electric  
214 assisted bicycle, motor assisted scooter, and every motorized bicycle having:

215 (i) an engine with less than 150 cubic centimeters displacement; or

216 (ii) a motor which produces not more than five horsepower.

217 (b) "Motor-driven cycle" does not include an electric personal assistive mobility  
218 device.

219 (37) "Off-highway implement of husbandry" has the same meaning as defined under  
220 Section 41-22-2.

221 (38) "Off-highway vehicle" has the same meaning as defined under Section 41-22-2.

222 (39) "Operator" means a person who is in actual physical control of a vehicle.

223 (40) (a) "Park" or "parking" means the standing of a vehicle, whether occupied or not.

224 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the  
225 purpose of and while actually engaged in loading or unloading property or passengers.

226 (41) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace  
227 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic  
228 laws.

229 (42) "Pedestrian" means a person traveling:

230 (a) on foot; or

231 (b) in a wheelchair.

232 (43) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate  
233 pedestrians.

234 (44) "Person" means every natural person, firm, copartnership, association, or  
235 corporation.

236 (45) "Pole trailer" means every vehicle without motive power:

237 (a) designed to be drawn by another vehicle and attached to the towing vehicle by  
238 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

239 (b) that is ordinarily used for transporting long or irregular shaped loads including  
240 poles, pipes, or structural members generally capable of sustaining themselves as beams  
241 between the supporting connections.

242 (46) "Private road or driveway" means every way or place in private ownership and

243 used for vehicular travel by the owner and those having express or implied permission from the  
244 owner, but not by other persons.

245 (47) "Railroad" means a carrier of persons or property upon cars operated on stationary  
246 rails.

247 (48) "Railroad sign or signal" means a sign, signal, or device erected by authority of a  
248 public body or official or by a railroad and intended to give notice of the presence of railroad  
249 tracks or the approach of a railroad train.

250 (49) "Railroad train" means a locomotive propelled by any form of energy, coupled  
251 with or operated without cars, and operated upon rails.

252 (50) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful  
253 manner in preference to another vehicle or pedestrian approaching under circumstances of  
254 direction, speed, and proximity which give rise to danger of collision unless one grants  
255 precedence to the other.

256 (51) (a) "Roadway" means that portion of highway improved, designed, or ordinarily  
257 used for vehicular travel.

258 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of  
259 them are used by persons riding bicycles or other human-powered vehicles.

260 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if  
261 a highway includes two or more separate roadways.

262 (52) "Safety zone" means the area or space officially set apart within a roadway for the  
263 exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs as  
264 to be plainly visible at all times while set apart as a safety zone.

265 (53) (a) "School bus" means a motor vehicle that:

266 (i) complies with the color and identification requirements of the most recent edition of  
267 "Minimum Standards for School Buses"; and

268 (ii) is used to transport school children to or from school or school activities.

269 (b) "School bus" does not include a vehicle operated by a common carrier in  
270 transportation of school children to or from school or school activities.

271 (54) (a) "Semitrailer" means a vehicle with or without motive power:

272 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

273 and

274 (ii) constructed so that some part of its weight and that of its load rests on or is carried  
275 by another vehicle.

276 (b) "Semitrailer" does not include a pole trailer.

277 (55) "Shoulder area" means:

278 (a) that area of the hard-surfaced highway separated from the roadway by a pavement  
279 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";  
280 or

281 (b) that portion of the road contiguous to the roadway for accommodation of stopped  
282 vehicles, for emergency use, and lateral support.

283 (56) "Sidewalk" means that portion of a street between the curb lines, or the lateral  
284 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

285 (57) "Solid rubber tire" means a tire of rubber or other resilient material which does not  
286 depend on compressed air for the support of the load.

287 (58) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied  
288 or not, for the purpose of and while actually engaged in receiving or discharging passengers.

289 (59) "Stop" when required means complete cessation from movement.

290 (60) "Stop" or "stopping" when prohibited means any halting even momentarily of a  
291 vehicle, whether occupied or not, except when:

292 (a) necessary to avoid conflict with other traffic; or

293 (b) in compliance with the directions of a peace officer or traffic-control device.

294 (61) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I  
295 [~~or type H~~] vehicle[~~, as defined in Section 41-22-2,~~] or utility type vehicle that is modified to  
296 meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance  
297 with Section 41-6a-1509.

298 (62) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
299 conveyances either singly or together while using any highway for the purpose of travel.

300 (63) "Traffic-control device" means a sign, signal, marking, or device not inconsistent  
301 with this chapter placed or erected by a highway authority for the purpose of regulating,  
302 warning, or guiding traffic.

303 (64) "Traffic-control signal" means a device, whether manually, electrically, or  
304 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

305 (65) "Traffic signal preemption device" means an instrument or mechanism designed,  
306 intended, or used to interfere with the operation or cycle of a traffic-control signal.

307 (66) (a) "Trailer" means a vehicle with or without motive power designed for carrying  
308 persons or property and for being drawn by a motor vehicle and constructed so that no part of  
309 its weight rests upon the towing vehicle.

310 (b) "Trailer" does not include a pole trailer.

311 (67) "Truck" means a motor vehicle designed, used, or maintained primarily for the  
312 transportation of property.

313 (68) "Truck tractor" means a motor vehicle:

314 (a) designed and used primarily for drawing other vehicles; and

315 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck  
316 tractor.

317 (69) "Two-way left turn lane" means a lane:

318 (a) provided for vehicle operators making left turns in either direction;

319 (b) that is not used for passing, overtaking, or through travel; and

320 (c) that has been indicated by a lane traffic-control device which may include lane  
321 markings.

322 (70) "Urban district" means the territory contiguous to and including any street, in  
323 which structures devoted to business, industry, or dwelling houses are situated at intervals of  
324 less than 100 feet, for a distance of a quarter of a mile or more.

325 (71) (a) "Utility type vehicle" means any recreational vehicle designed for and capable  
326 of travel over unimproved terrain:

327 (i) traveling on four or more tires;

328 (ii) having a width of 30 to 70 inches;

329 (iii) having an unladen dry weight of 2,200 pounds or less;

330 (iv) having a seat height of 25 to 40 inches when measured at the forward edge of the  
331 seat bottom; and

332 (v) having side by side seating with a steering wheel for control.

333 (b) "Utility type vehicle" does not include:

334 (i) an all-terrain type I vehicle;

335 (ii) an all-terrain type II vehicle;

336 (iii) a motorcycle; or

337 (iv) a snowmobile as defined in Section 41-22-2.

338 [~~(71)~~] (72) "Vehicle" means a device in, on, or by which a person or property is or may  
339 be transported or drawn on a highway, except devices used exclusively on stationary rails or  
340 tracks.

341 Section 2. Section **41-6a-1509** is amended to read:

342 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**  
343 **Registration and licensing requirements -- Equipment requirements.**

344 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I or [~~type H~~] utility  
345 type vehicle that meets the requirements of this section may be operated as a street-legal ATV  
346 on a street or highway that is a highway with one lane in each direction.

347 (b) Unless a street or highway is designated as open for street-legal ATV use by the  
348 controlling highway authority in accordance with Section 41-22-10.5, a person may not operate  
349 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway  
350 is under the jurisdiction of:

351 (i) a county of the first class;

352 (ii) a municipality that is within a county of the first class; or

353 (iii) a municipality with a population of 7,500 or more people.

354 (2) A street-legal ATV shall comply with the same requirements as:

355 (a) a motorcycle for:

356 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;

357 (ii) driver licensing under Title 53, Chapter 3, Uniform Driver License Act, if the  
358 vehicle is an all-terrain type I vehicle;

359 (iii) registration, titling, odometer statement, vehicle identification, license plates, and  
360 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

361 (iv) fees in lieu of property taxes or in lieu fees under Section 59-2-405.2; and

362 (v) the county motor vehicle emissions inspection and maintenance programs under  
363 Section 41-6a-1642;

364 (b) a motor vehicle for:

365 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act, if the  
366 vehicle is a utility type vehicle;

367            [(†)] (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility  
368 of Motor Vehicle Owners and Operators Act; and

369            [(†)] (iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor  
370 Vehicle Safety Inspection Act, except that a street-legal ATV shall be subject to a safety  
371 inspection when registered for the first time; and

372            (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title  
373 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business  
374 Regulation Act, unless otherwise specified in this section.

375            (3) A street-legal ATV shall be equipped with:

376            (a) one or more headlamps that meet the requirements of Section 41-6a-1603;

377            (b) one or more tail lamps;

378            (c) a tail lamp or other lamp constructed and placed to illuminate the registration plate  
379 with a white light;

380            (d) one or more red reflectors on the rear;

381            (e) one or more stop lamps on the rear;

382            (f) amber or red electric turn signals, one on each side of the front and rear;

383            (g) a braking system, other than a parking brake, that meets the requirements of Section  
384 41-6a-1623;

385            (h) a horn or other warning device that meets the requirements of Section 41-6a-1625;

386            (i) a muffler and emission control system that meets the requirements of Section  
387 41-6a-1626;

388            (j) rearview mirrors on the right and left side of the driver in accordance with Section  
389 41-6a-1627;

390            (k) a windshield, unless the operator wears eye protection while operating the vehicle;

391            (l) a speedometer, illuminated for nighttime operation;

392            (m) for vehicles designed by the manufacturer for carrying one or more passengers, a  
393 seat designed for passengers, including a footrest and handhold for each passenger; ~~and~~

394            (n) for vehicles with side-by-side seating, seatbelts for each vehicle occupant[-]; and

395            (o) tires that:

396            (i) do not exceed 26 inches in height;

397            (ii) are not larger than the tires that the all-terrain vehicle manufacturer made available

398 for the all-terrain vehicle model; and

399 (iii) have at least 2/32 inches or greater tire tread.

400 ~~(4) [An]~~ (a) Subject to the requirement in Subsection (4)(b), an operator of a  
401 street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in  
402 accordance with this section, may not exceed the lesser of:

403 ~~[(a)]~~ (i) the posted speed limit; or

404 ~~[(b)]~~ (ii) 45 miles per hour.

405 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal  
406 all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour, shall:

407 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the  
408 roadway; and

409 (ii) shall equip the street-legal all-terrain vehicle with a reflector or reflective tape.

410 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be  
411 operated on the highways of another state has the same rights and privileges as a street-legal  
412 ATV that is granted operating privileges on the highways of this state, subject to the  
413 restrictions under this section and rules made by the Board of Parks and Recreation, if the other  
414 state offers reciprocal operating privileges to Utah residents.

415 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
416 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating  
417 privileges for nonresident users granted under Subsection (5)(a).

418 (6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in  
419 accordance with Section 41-22-10.5.

420 Section 3. Section **41-22-2** is amended to read:

421 **41-22-2. Definitions.**

422 As used in this chapter:

423 (1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by  
424 the Board of Parks and Recreation.

425 (2) "All-terrain type I vehicle" means any motor vehicle [50] 52 inches or less in width,  
426 having an unladen dry weight of [800] 1,500 pounds or less, traveling on three or more low  
427 pressure tires, having a seat designed to be straddled by the operator, and designed for or  
428 capable of travel over unimproved terrain.

429 (3) (a) "All-terrain type II vehicle" means any other motor vehicle, not defined in  
430 Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain.

431 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to  
432 carry a disabled person, any vehicle not specifically designed for recreational use, or farm  
433 tractors as defined under Section 41-1a-102.

434 (4) "Board" means the Board of Parks and Recreation.

435 (5) "Dealer" means a person engaged in the business of selling off-highway vehicles at  
436 wholesale or retail.

437 (6) "Division" means the Division of Parks and Recreation.

438 (7) "Low pressure tire" means any pneumatic tire six inches or more in width designed  
439 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of  
440 ten pounds per square inch or less as recommended by the vehicle manufacturer.

441 (8) "Manufacturer" means a person engaged in the business of manufacturing  
442 off-highway vehicles.

443 (9) "Motorcycle" means every motor vehicle having a saddle for the use of the operator  
444 and designed to travel on not more than two tires.

445 (10) "Motor vehicle" means every vehicle which is self-propelled.

446 (11) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,  
447 all-terrain type II vehicle, or motorcycle.

448 (12) "Off-highway implement of husbandry" means every all-terrain type I vehicle,  
449 motorcycle, or snowmobile that is used by the owner or his agent for agricultural operations.

450 (13) "Operate" means to control the movement of or otherwise use an off-highway  
451 vehicle.

452 (14) "Operator" means the person who is in actual physical control of an off-highway  
453 vehicle.

454 (15) "Organized user group" means an off-highway vehicle organization incorporated  
455 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit  
456 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

457 (16) "Owner" means a person, other than a person with a security interest, having a  
458 property interest or title to an off-highway vehicle and entitled to the use and possession of that  
459 vehicle.

460 (17) "Public land" means land owned or administered by any federal or state agency or  
461 any political subdivision of the state.

462 (18) "Register" means the act of assigning a registration number to an off-highway  
463 vehicle.

464 (19) "Roadway" is used as defined in Section 41-6a-102.

465 (20) "Snowmobile" means any motor vehicle designed for travel on snow or ice and  
466 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

467 (21) "Street or highway" means the entire width between boundary lines of every way  
468 or place of whatever nature, when any part of it is open to the use of the public for vehicular  
469 travel.

470 (22) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as  
471 defined in Section 41-6a-102.

472 Section 4. Section **53-8-205** is amended to read:

473 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**  
474 **inspection certificate required -- Out-of-state permits.**

475 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway  
476 a motor vehicle required to be registered in this state unless the motor vehicle has passed a  
477 safety inspection.

478 (b) Subsection (1)(a) does not apply to:

479 (i) a vehicle that is exempt from registration under Section 41-1a-205;

480 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a  
481 street-legal all-terrain vehicle in accordance with Section 41-6a-1509; and

482 (iii) a vintage vehicle as defined in Section 41-21-1.

483 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be  
484 determined based on the age of the vehicle determined by model year and shall:

485 (a) be required each year for a vehicle that is [~~eight~~] 12 or more years old on January 1;

486 or

487 (b) every two years for each vehicle that is less than [~~eight~~] 12 years old on January 1

488 as follows:

489 (i) in odd-numbered years for a vehicle with an odd-numbered model year; and

490 (ii) in even-numbered years for a vehicle with an even-numbered model year;

491 (c) be made by a safety inspector certified by the division at a safety inspection station  
492 authorized by the division;

493 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to  
494 ensure proper adjustment and condition as required by department rules; and

495 (e) include an inspection for the display of license plates in accordance with Section  
496 41-1a-404.

497 (3) (a) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety  
498 inspection when an application is made for initial registration as a salvage vehicle.

499 (b) After initial registration as a salvage vehicle, the frequency of the safety inspection  
500 shall correspond with the model year, as provided in Subsection (2).

501 (4) (a) A safety inspection station shall issue [~~a~~] two safety inspection [~~certificate~~]  
502 certificates to the owner of:

503 [~~(a)~~] (i) each motor vehicle that passes a safety inspection under this section; and

504 [~~(b)~~] (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in  
505 Section 41-6a-1509.

506 (b) A safety inspection station shall use one safety inspection certificate issued under  
507 Subsection (4) for processing the vehicle registration.

508 (c) A person operating a motor vehicle shall have in the person's immediate possession  
509 a safety inspection certificate or other evidence of compliance with the requirement to obtain a  
510 safety inspection under this section.

511 (5) The division may:

512 (a) authorize the acceptance in this state of a safety inspection certificate issued in  
513 another state having a safety inspection law similar to this state; and

514 (b) extend the time within which a safety inspection certificate must be obtained by the  
515 resident owner of a vehicle that was not in this state during the time a safety inspection was  
516 required.

517 Section 5. Section **53-8-206** is amended to read:

518 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**  
519 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of**  
520 **permits.**

521 (1) The safety inspection required under Section 53-8-205 may only be performed:

522 (a) by a person certified by the division as a safety inspector; and  
523 (b) at a safety inspection station with a valid safety inspection station permit issued by  
524 the division.

525 (2) A safety inspection station permit may not be assigned or transferred or used at any  
526 location other than a designated location, and every safety inspection station permit shall be  
527 posted in a conspicuous place at the location designated.

528 (3) If required by the division, a record and report shall be made of every safety  
529 inspection and every safety inspection certificate issued.

530 (4) A safety inspection station holding a safety inspection station permit issued by the  
531 division may charge:

532 (a) a fee as reimbursement for the safety inspection certificate fee as specified in  
533 Subsection 53-8-204(1)(e); and

534 (b) a reasonable fee for labor in performing safety inspections, not to exceed:

535 (i) \$7 or less for motorcycles and street-legal all-terrain vehicles;

536 (ii) unless Subsection (4)(b)(i) or (iii) applies, \$15 or less for motor vehicles; or

537 (iii) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate  
538 disassembly of front hub or removal of rear axle for inspection.

539 (5) A safety inspection station may return unused safety inspection certificates in a  
540 quantity of ten or more and shall be reimbursed by the division for the cost of the safety  
541 inspection certificates.

542 (6) (a) Upon receiving notice of the suspension or revocation of a safety inspection  
543 station permit, the safety inspection station permit holder shall immediately terminate all safety  
544 inspection activities and return all safety inspection certificates and the safety inspection station  
545 permit to the division.

546 (b) The division shall issue a receipt for all unused safety inspection certificates.

547 **Section 6. Effective date.**

548 This bill takes effect on July 1, 2009.

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**S.B. 22 1st Sub. (Green) - Vehicle Amendments**

**Revised  
Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will reduce Transportation Fund revenue by \$275,900 annually. Dedicated Credits collected by the Utah Highway Patrol (UHP) will decrease by \$152,300 annually beginning FY 2010. The Department of Public Safety will eliminate two (2) UHP trooper positions as a result of decreased workload.

	<u>2009 Approp.</u>	<u>2010 Approp.</u>	<u>2011 Approp.</u>	<u>2009 Revenue</u>	<u>2010 Revenue</u>	<u>2011 Revenue</u>
Transportation Fund	\$0	\$0	\$0	\$0	(\$275,900)	(\$275,900)
Dedicated Credits	\$0	(\$152,300)	(\$152,300)	\$0	(\$152,300)	(\$152,300)
<b>Total</b>	<b>\$0</b>	<b>(\$152,300)</b>	<b>(\$152,300)</b>	<b>\$0</b>	<b>(\$428,200)</b>	<b>(\$428,200)</b>

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**Individual, Business and/or Local Impact**

Affected vehicle owners will benefit. State Inspection businesses and local governments will be impacted.

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